

INFRINGEMENT CLAIMS AGAINST DEFENDANTS WARNERMEDIA, WARNER BROTHERS & SUZANNE COLLINS, FOR INFRINGING THE PLAINTIFF'S ORIGINAL WORK (BUTTERFLY DRIVER AND/OR UBEROPOLIS: CITY OF LIGHT), BY PUBLISHING THEIR INFRINGING BOOK & FILM SERIES, TITLED:

"THE HUNGER GAMES" BOOK AND FILM SERIES

This section (beginning under the following **bold** and numbered heading) enumerates the Plaintiff's infringement claims against Defendants **WarnerMedia, Warner Bros, and Suzanne Collins** (referred to, in this section, as "the Defendants") for publishing their infringing and derivative "The Hunger Games" book series and film series. For clarity, the **BOOKS** in The Hunger Games (**HG**) series are:

1. The Hunger Games,
2. Catching Fire (**CF**),
3. Mockingjay (**MJ**).

The **FILMS** in The Hunger Games film series are:

1. The Hunger Games,
2. The Hunger Games: Catching Fire (**HGCF**),
3. The Hunger Games: Mockingjay — Part 1 (**HGMJp1**),
4. The Hunger Games: Mockingjay — Part 2 (**HGMJp2**).

The Hunger Games book and film series infringes **70** story structures of the Plaintiff's screenplay *Uberopolis: City of Light*, written 2003-05, revised from 2005 to 2007. [See Exhibit B (**Ex B**, Plaintiff's script from January 2006), or Exhibit C (**Ex C**, Plaintiff's script from May 2005.) The Plaintiff's script was renamed *Butterfly Driver*, Exhibit A (**Ex A**), circa late 2006. In its evaluation of these claims, the Court should contemplate:

1. Many of the following infringed items are sufficiently original to earn separate and individual copyright protection. Thus, many of the following claims should be assessed

individually, AND in association with the other items.

2. Like all, or most, infringement suits, the following list may contain “non-protectable” (or “unprotectable”) elements. These unprotectable items ARE protectable, collectively, in association with the other non-protectable items.¹ The unique way that the Plaintiff uses these unprotectable elements (also infringed by the defendants) is also independently copyrightable (see *Keeling v Hars*, 2nd Cir., and *Skidmore v Led Zeppelin*, 9th Cir.).
3. Some of the following items are profoundly original ideas/expressions, and must be weighed accordingly. Logically, **the presence of any two of the Plaintiff original expressions in the Defendants’ infringing series should be seen as infringement.**

The following 70 numbered and bold headings (some with subheadings) enumerate and identify the 70 aspects that the Defendants “The Hunger Games” series books and films infringe from the Plaintiff’s work. None of these story structures and elements are stock, generic or “scenes a faire”. As illustrated in the introduction, copyright claims almost never involve original ideas, because original ideas are quite rare. However, included in the 70 story structures that the Defendants infringed are MANY of the Plaintiff’s original ideas.

To reduce redundancy, each of the following headings describe the story structure that appeared in the Plaintiff’s work FIRST, and which ALSO APPEARS in the Defendants’ infringing and unlawfully derivative books and films. Below the enumerated headings, the Plaintiff may provide some further detail and context.

¹ This is demonstrated in the introduction, seen in *Twentieth Century-Fox Film Corp. v. MCA, Inc.*, where the Ninth Circuit awarded copyright protection to *Stars Wars* (which presented no individually copyrightable elements), based on 13 (of 34) reasonably interesting but non-protectable elements (the defendants’ selection and arrangement of non-protectable elements). The Second Circuit also respects, and defends the concept of “selection and arrangement of unprotectable elements,” as seen in such cases as *Keeling v Hars*, No. 13-694 (2nd Cir. 2015) (although, it appear the Second Circuit uses the term “unprotectable,” whereas the Ninth tends to use the term “non-protectable”).

1. The Sci-fi/Action/Adventure Hero Risks His/Her Life And Goes To Impossible Lengths For A Family Member, First Act To Final Act.

- This Is An Original Idea For The Sci-Fi Genre (Likely All Genres), First Conceived And Executed By The Plaintiff (As Explained In The Introduction Of This Complaint).

The Plaintiff's screenplay, *Uberopolis: City of Light* (Ex B), later renamed Butterfly Driver (Ex A), uniquely features the FIRST EVER sci-fi hero, ARLO GRAINER, who was motivated into action, first act to final act, by a desire to save a family member (his daughter), and would go to seemingly impossible lengths to do so. This made sci-fi meaningful.

The first act of a film (or film series, in the Defendant's case) introduces the hero and some of the main characters, and ends when an unusual event occurs that takes the main character out of his/her regular routine. The second act is just various rising and falling action. The third (and final) act begins when the hero final confronts the villain(s), to resolve the story.

The first act of the Plaintiff's *Uberopolis: City of Light* ends on page 16, when Arlo has his wife, Rianna, turn-him-in to the police/military, to collect reward money, to pay for extremely expensive medical care for his daughter, Franny. This is Arlo's first effort to save his daughter. The second effort, which consumes about 60% of the scripts, is where we see Arlo go to astonishing lengths, until the story's conclusion, to save his daughter.

The *Hunger Games* book and film series infringes the Plaintiff's sci-fi/action/adventure hero who goes to impossible lengths, first act to last, to save a family member.

Hunger Games' first act ends shortly after Katniss volunteers to enter into the *Hunger Games*, to save her younger sister. The remainder of the story, until Katniss finally faces the villain to resolve the conflict (in the fourth film or third book), is just rising and falling action in an extended second act.

To make sure the viewers/readers do not forget what motivates the hero (Katniss), the series writer(s) included numerous conspicuous reminders that Katniss' action is motivated by

love for, and desire to protect, her little sister. These reminders come in such places as mid-way through the first Hunger Games film (“The Hunger Games”), when the following dialogue occurs:

CAESAR FLICKERMAN: I have one more question for you. It's about your sister, We were all very moved, I think, when you volunteered for her at the reaping. Does she come to say goodbye to you.

KATNISS: Yes. She did. She did.

CAESAR FLICKERMAN: And what did you say to her, in the end?

KATNISS: I told her that I would try to win. That I will try to win for her.

This dialogue (or a variation of it) occurs on page 129 of The Hunger Games book).

In the second book and film (The Hunger Games: Catching Fire), the writers remind us that Katniss is fighting for her family, by having the villain (President Snow) threaten to kill Katniss’ family (PRESIDENT SNOW: “Do convince me. For the sake of your family”). Katniss then periodically reminds people that her family’s lives have been threatened, to reinforce the fact that she is motivated to save her family.

The Hunger Games series writers almost incessantly seek to remind the viewers that Katniss’ goal is to save her sister and/or family. We see this in such places as: In the **third** Hunger Games book and film (The Hunger Games: Mockingjay, Part 1), when a character asks a group of characters for a moment Katniss made them “**feel something real,**” and character answers: “**When she volunteered for her sister at the reaping.**” And In the HGCF (Catching Fire), Katniss tells Prim, “**You understand that whatever I do comes back to you and Mom. I don't want you to get hurt.**” But perhaps the most desperate ploy to remind the audience that Katniss is in the Hunger Games because she will do anything to protect her little sister, is seen near the end of the second Hunger Games film, HGCF, when the writers have a bird, called a “jabberjay,” scream (as if hurt) and call Katniss’ name, in the voice of Prim (Katniss’ younger sister), which sends Katniss scrambling.

2. The Story Centers Around A Class Conflict, Which Is Expressed By Impoverished Poor Areas (“Zones” vs “Districts”), Which Are Populated By Poor, Downtrodden People, And A Beautiful City For The Rich, Privileged And Ruling Class (“Uberopolis” vs “Capital City”).

The Plaintiff’s screenplay Butterfly Driver (Ex A) hinges of a class conflict between the rich and the poor. The super rich live on the beautiful, orbiting satellite city, Uberopolis; meanwhile the poor live in poor, squalid, substandard, tough areas, called “zones.”

The Defendants’ Hunger Games book and film series infringes this aspect of the Plaintiff’s work, as the series hinges of a class conflict between the rich and the poor. The super rich live in the beautiful Capitol City, while the poor live in poor, squalid, tough, substandard areas called “Districts.”

3. The Hero Represents Hope (Or “Represents Hope To The World,” Or “Hope To The Oppressed”).

- This is an original, independently copyrightable idea/expression.

The Plaintiff’s screenplay, Butterfly Driver (Ex A), shows that Arlo, the hero, represents “hope” to the oppressed people of the zones. The Plaintiff executed this concept by using several strategies, involving recurring dialogue about hope, and visual symbolism:

- A. Pages 14 and 15 of Butterfly Driver (Ex A) the Plaintiff included the following dialogue:

TAMARA
(shaking her head)

Faith comes from our unreasonably **hopeful** nature. How we survive. I put [my] unreasonable **hopes** in my A-Cell.

- B. On page 17 (Ex A), the Plaintiff included a key piece of dialogue about hope, which informs the audience that the Butterfly symbolizes hope:

TAMARA

A lot of slang in the zones ... I guess you call exiles "butterflies" because we're weak, chased by the wind from a thousand predators?

ARLO
(shrugging)

Maybe it's cause you represent **hope**.

C. After establishing that butterflies symbolize hope, on page 54 (BD, Ex A), Arlo notices that Benni is wearing a **butterfly** dream catcher (which she gives Arlo on page 65).

D. The final dialogue about hope occurs on pages 63 and 64 of Butterfly Driver (Ex A):

ARLO (CONT'D)

The A-Cell.

Benni moves closer to see the A-cell -in perfect condition.

BENNI

How can it be here?

ARLO

Dylan sent it... I forgot.

BENNI

This means

ARLO

(whispering)

Hope is unreasonable.

BENNI

It means you can still help Tamara change the **world**.

Because the viewers/readers know that the State has killed Tamara, the viewers/readers understand that Arlo is now **the last HOPE** to bring the A-cell to the world's attention, and save billions of lives. Arlo represents hope. He is hope incarnate. The Plaintiff **further** reinforces this by showing rioters and protesters, around the world, protesting Arlo's arrest (see Uberopolis: City of Light, **Exhibit B**, pp 19, 24), and by showing people, around the world, cheer for Arlo, as he fights Drexler (Ex B, pp 93, 94, 95). (Butterfly Driver, Ex A, also features similar scenes.)

Infringing the Plaintiff's *Butterfly Driver*, The Hunger Games book and film series features a hero whose selfless heroics inspire thousands or millions of people to fight back against the cruel and oppressive government. Many times in The Hunger Games book and film series characters state that Katniss represents hope, or she is giving the downtrodden people hope. In "The Hunger Games" film, the following dialogue occurs, between the villain, President Snow, and a character named Seneca:

PRESIDENT SNOW: Seneca, why do you think we have a winner?

SENECA: What do you mean?

PRESIDENT SNOW: I mean, why do we have a winner? I mean if we just wanted to intimidate the Districts, why not round up twenty four at random, and execute them all at once? Way a lot faster... **Hope**.

SENECA: Hope?

PRESIDENT SNOW: Hope. It is the only thing stronger than fear. A little **hope** is effective. A lot of **hope** is dangerous.

And the second film, HGCF, includes the following dialogue about Katniss and hope:

PRESIDENT SNOW: She's become a **beacon of hope** for the rebellion. And she has to be eliminated.

PLUTARCH: I agree she should die. But in the right way. At the right time. It's moves and countermoves. And it's all we gotta look at. **Katniss Everdeen is a symbol**. Their Mockingjay.

A few lines later, the villainous President Snow says:

PRESIDENT SNOW: It won't work. Fear does not work as long as they have **hope**. And Katniss Everdeen is giving them **hope**.

These examples go on and on, such as in HGCF Prim tells Katniss that she can see “hope.”

And in the fourth Hunger Games film, HGMJp1, a character calls Katniss the “Defender of the Hopeless.”

4. The Villain (1) Is The PRESIDENT Of The Nation, (2) He Is Extremely WEALTHY, And He (3) Controls And Masterfully Manipulates The MEDIA—and Spreads DISINFORMATION.

The Plaintiff’s script(s) shows the villain, Drexler, is extremely wealthy, he is the nation’s president, and he owns a media empire, which he masterfully exploits to disseminate disinformation.

The Defendants’ Hunger Games book and film series infringes this aspect of the Plaintiff’s work, as the villain of the Hunger Games series (President Snow) is the nation’s president, he is extremely wealthy, and he masterfully controls and manipulates the nation’s media to disseminate disinformation.

5. The Selfless Hero Unintentionally INSPIRES Many Oppressed People, Around The Nation, TO FIGHT BACK.

- The Plaintiff believes this may be an independently copyrightable expression, as he is unaware of any prior sci-fi, action or adventure hero who unintentional inspired millions to fight back, first act to last.

The Plaintiff's Butterfly Driver hero, Arlo Grainer, inspired many oppressed people to fight back against tyranny. Page 22 of Butterfly Driver (Ex A) explains that 14 years earlier, Arlo inspired millions of people to fight back against the new government, after the fall of America:

REPORTER

-- 14 years ago after allied sanctions forced the U.S. to join The State, Grainer declared Stockton, California, a 'zone' outside State authority. Six hundred cities soon followed. To evade arrest Grainer went into hiding --

Arlo's inspirational impact is also seen in Uberopolis: City of Light, as Arlo battles with the villain, Drexler, on live television, and the people of the zones repeatedly cheer when Arlo gets the better of Drexler. And page 61 of Butterfly Driver (Ex A) Benni reminds Arlo, **“You inspired millions of us”**. (BD, Ex A, p 61.) (

The Defendants' Hunger Games book and film series infringes all of these aspects, as the series shows oppressed people of the districts riot in support of Katniss (hero) and tell her she inspired them, as President Snow worries the uprisings will lead to war.

6. SIGNATURE SCENE: While Meeting At A Table With A Large Number (20-30) Of His Subordinate Leaders, Conferring About Strategic Management Of Government Affairs, THE VILLAIN HUMILIATES ONE OF HIS SUBORDINATE LEADERS.

Pages 71 and 72 of Uberopolis: City of Light (Uber; Ex B), the Plaintiff's villain, Drexler, meets with his subordinate leaders:

“INT. UBEROPOLIS, DREXLER MEDIA BUILDING, CONFERENCE ROOM -- MOMENTS LATER

Near the top of the Drexler media center president Peter Drexler sits at a huge table with about 30 business leaders, of all ethnicities, in a very elegant conference room. Security guards surround the perimeter of the room.

Page 72 of Uber (Ex B) Drexler and his powerful State official discuss managing their new

world government, when one of his subordinate officials (Nick) suggests altering the State tax system. This invites Drexler's wrath, and he quickly threatens and humiliates the subordinate:

BUSINESSMAN #1 / NICK

I agree. I'd just like to see a balanced tax system.

PRES. PETER DREXLER

Are you suggesting we increase taxes on the rich?

Peter's expression flattens. He [Drexler] examines a few documents in front of him.

PRES. PETER DREXLER

Nick, population rates are way up in region 386 and 453 and markets are down. And the voting there is trending against us. Bring your regions in line or I'll zone them unsecured. Don't expect the rich to subsidize your failures.

Nick sits in humbled silence.



Above: Snow at a table with about 22 subordinate leaders.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as we see about midway through the final HG film, *The Hunger Games: Mockingjay, Part 2*, the villain, President Snow, meets a group of about 22 subordinate leaders and discusses important government affairs, and in this meeting President Snow humiliates one of his subordinate leaders. This dialogue reads:

PRESIDENT SNOW: A toast. Antonius, with our best troops crushed in the mountains and the rebels marching on us as we speak, what did we celebrate?

ANTONIUS: The death of the Mockingjay, sir. If Peeta didn't kill her, her own arrogance did. Of course.

PRESIDENT SNOW: That's the same facile thinking that led you to divert our best Peacekeepers into District 2. You have a habit of burying people before they're dead. If the Mockingjay were gone, the rebels would already be using her as a martyr. No, Minister Antonius, I'm afraid that is not what we were toasting at all.

At this point Minister Antonius is humiliated (and unaware that Snow has poisoned his drink). The scene continues:

ANOTONIUS: Sir, the rebels can be held off out...

PRESIDENT SNOW: The rebels will reach the outskirts of The Capitol in a matter of days. We'll evacuate the outer blocks to let them in. I want all anti-aircraft defenses ready, so we're secure from the skies. Lure them into the city, and then our Gamemakers will make them pay for every inch, with blood. I want every camera watching. We'll turn their advance into a celebration of suffering. Let each moment be captured for all posterity. So, what did we toast tonight, Minister Antonius? We toasted a glorious era... coming to its bitter end.

Minister Antonius dies from the poison.

7. The Story Relies On MULTIPLE Central Visual SYMBOLS, Which Are Connected To The Larger Story, And Connected To Characters, And Which Reinforce Central Story Structures, And These Symbols Factor Into The Ending.

- The Plaintiff unique approach to symbolism is copyrightable. Prior to the Plaintiff's work, in Defendant Warner Brothers' (WB) 80+ years of prior filmmaking, never once did they make a sci-fi, action or adventure film with multiple central symbols.

Using symbols in fiction film and literature was uncommon before 2006 (when the Defendants accessed the Plaintiff's work). Using **multiple** symbols in fiction film and literature was unheard of. In *Butterfly Driver*, the Plaintiff used 4 symbols:

- a. The colors **violet** and **yellow** (**violet** represents hope, **yellow** represent dreams).²
- b. **Butterflies**, which represent both hope and the hero, Arlo. Because caterpillars *change* into butterflies, and the people of the zones hope for *change*, Benni says that butterflies represent *change* to her (p 55, Ex A); thus, secondarily, butterflies represent **change**.
- c. **Flowers**, which represent hope.
- d. A **dolphin**, representing *hope* and **sacrifice** (thus, the dolphin is sacrificed for humanity).

Tertiarily, all of the living symbols (butterflies, flowers, dolphins) also represented life, which was under assault by pollution, inhumanity and greed. Additionally, the color **yellow** is connected to the character *Benni* (who wears a yellow butterfly dream-catcher).

² The Plaintiff used (and uses) the term "dreams" in the sense that is synonymous to hope.

The Defendants' Hunger Games book and film series infringes the Plaintiff's work, as The Hunger Games series uses multiple symbols:

- a. The **mockingjay** bird (representing hope and Katniss);
- b. **Fire** (which represents change);
- c. **Flowers** (yellow flowers represent hope; purple flowers represent Prim; and white flowers represent the villain Snow).

8. The Story Features A Symbolic YELLOW FLOWER, Which Represents HOPE.

- This is a copyrightable expression. (In Defendant Warner Brothers' 80+ years of filmmaking experience, prior to the Plaintiff's work, never did they produce a sci-fi, action or adventure film with symbolic flowers—particularly one representing hope”).

On page 54 of the Plaintiff's screenplay, Butterfly Driver (Ex A), the Plaintiff introduced the YELLOW butterfly of hope (earlier, on pages 14-17 the Plaintiff establishes that butterflies represent “hope”):

Arlo steps behind her and pulls the pendant out of her hair. He examines the pendant. A large handmade woven-yarn pendant of a **YELLOW BUTTERFLY** on a simple string.

ARLO

That a dream catcher? Benni nods.

BENNI

I made it ... Dreams are like my religion.

ARLO

You believe in 'em?

BENNI

When that's all you got...

Arlo considers the butterfly dream-catcher.

ARLO

Butterfly ... Represent **hope**, right?

The Plaintiff introduced this YELLOW butterfly on the same page (p 54) that he introduced a violet flower (this violet flower also represents hope). The Plaintiff did this (introduced the contrasting colors and images) because he was “cross-pollinating” these colors and images, to achieve a certain affect, later in the story.

Benni gives Arlo her **yellow** dream-catcher on page 65 (Ex A).

On page 113 (Ex A) Arlo has a dream featuring a **YELLOW FLOWER** of hope:

INT. DREAM SEQUENCE - SHUTTLE - (CONTINUOUS) Arlo turns left to find a gaunt, pale child, sitting in Jerry's pilot seat, with a respirator mask over his face. The child rises, smiles, and hands Arlo a **yellow flower**, then turns and walks to the rear of the cockpit, and disappears through the airlock window.

Page 115 of the Plaintiff's Butterfly Driver screenplay (Ex A) reveals that Franny (Arlo's daughter, who had been near death for the entire script) is suddenly alive and energetic, as she hands a YELLOW FLOWER of HOPE to Jerry (whose son has recently died):

Sitting next to Arlo, Franny reaches forward and touches Jerry on the shoulder. Jerry turns. Franny hands him a **yellow flower**.

FRANNY

I'm sorry about your son, Matthew.

Taking the flower, Jerry forces a smile.

The Defendants' Hunger Games book and film series infringe the Plaintiff's work, as the HG series uses the yellow flower species *dandelions* to represent *hope*. This is confirmed by the books and The Hunger Games "Fandom" site (below), stating that dandelions represent hope.

https://thehungergames.fandom.com/wiki/Flowers

"Fraud on the Court..." "Elysium" Director St... cameronlitdreh.html "Breaking Bad" Auct... haven - Google Sea... "Incorporate By Ref..."


The Hunger Games Wiki

EXPLORE CHARACTERS MEDIA MORE

Dandelions

"That what I need to survive is not Gale's fire, kindled with rage and hatred. I have plenty of fire myself. What I need is the dandelion in the spring. The bright yellow that means rebirth instead of destruction. The promise that life can go on, no matter how bad our losses. That it can be good again. And only Peeta can give me that."

—Katniss Everdeen, *Mockingjay*, Chapter 27^[src]



Dandelion

Dandelions are a symbol of hope to Katniss Everdeen, and are strongly associated with **Peeta Mellark**.

Above: The Hunger Games' Fandom site explains that Dandelions represent "hope."

9. The Story Features A Symbolic Animal Which Represents Hope And Represents The Hero (Who, Himself/Herself, Also Represents Hope).

- This is a copyrightable expression, not done before the Plaintiff.

The Plaintiff's screenplay, *Butterfly Driver* (Ex A), used a **butterfly** (animal) to represent the hero, Arlo. The original embodiment of "the butterfly" was Tamara Gwynn, but once she died, that role transfers to Arlo. (See item #3 for a more detailed explanation).

The Defendants' *Hunger Games* book and film series infringes the Plaintiff's expression and concept, as the series uses a **mockingjay** (animal) to represent the hero and hope.

10. SCENE & CENTRAL STORY STRUCTURE: A Character Gives The Hero A Symbolic Piece Of Jewelry (Which The Hero Carries For The Remainder Of The Story), Featuring An Animal That Is A Recurring Symbol Of Hope.

On page 65 of the Plaintiff's screenplay, *Butterfly Driver* (Ex A), the character *Benni* gives Arlo a necklace, with the image of a yellow butterfly, which Arlo keeps for the remainder of the film.

The Defendants' *Hunger Games* book and film series infringes this aspect of the Plaintiff's work, as in "The Hunger Games" (film and book), Katniss' younger sister, Prim, gives Katniss a pin of a mockingjay. Katniss carries the pin for the remainder of the series.

11. The Story Features A Symbolic VIOLET (PURPLE) Flower.

- Again, in Defendant Warner Brothers' 80+ years of filmmaking experience, prior to the Plaintiff's work, there are no examples of WB sci-fi, action or adventure films using symbolic flowers.

On page 54 of the Plaintiff's screenplay, *Butterfly Driver* (Ex A), the Plaintiff introduces the VIOLET (or purple) flower of hope:

Benni walks Arlo to the back gate of the small park. Near a rusting fence she picks up an upside-down paper cup. Under the cup, poking through a dirt patch, is a **VIOLET flower**.

ARLO
Incredible.
BENNI

I think it's a **violet**. We never get flowers here...

It's even prettier in the rain...
Arlo admires how Benni's beauty also holds up in the rain.

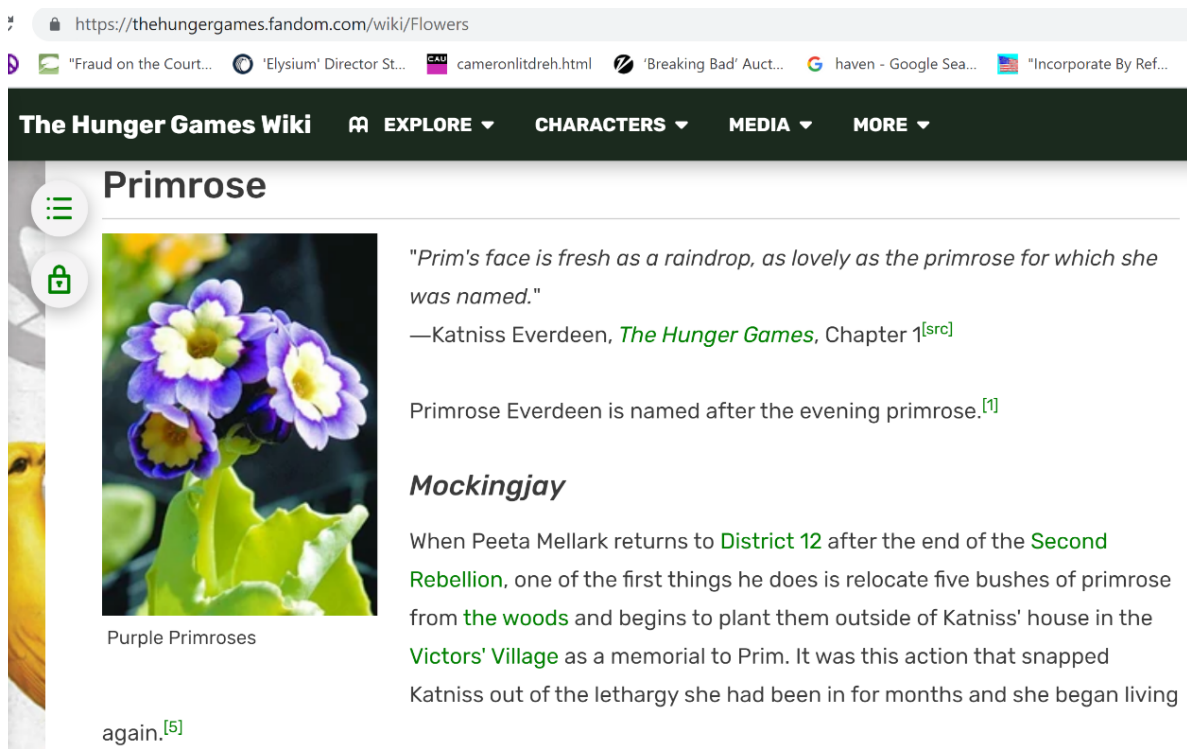
The Plaintiff then hearkens back to this **violet** flower, and its **hope**, on the final page (p 118) of *Butterfly Driver* (Ex A):

Rianna purses her lips in frustration. The rain smears her **VIOLET** eye shadow, obscuring her tears.

ARLO
You're still beautiful in the rain.

Rianna surrenders a momentary smile.

The Defendants' *Hunger Games* book and film series infringe the Plaintiff's work, as the character Prim was named after the evening primrose flower (which can be violet or purple). This is also explained online, on The *Hunger Games Fandom* page (below). The series then repeatedly reinforces this by showing violet or purple flowers, and characters (Effie, Seeder, etc.) wearing violet or purple flowers, to conjure and hearken back to Prim.




https://thehungergames.fandom.com/wiki/Flowers

"Fraud on the Court..." "Elysium" Director St... cameronltdreh.html "Breaking Bad" Auct... haven - Google Sea... "Incorporate By Ref..."

The Hunger Games Wiki EXPLORE CHARACTERS MEDIA MORE

Primrose



Purple Primroses

"Prim's face is fresh as a raindrop, as lovely as the primrose for which she was named."
—Katniss Everdeen, *The Hunger Games*, Chapter 1^[src]

Primrose Everdeen is named after the evening primrose.^[1]

Mockingjay

When Peeta Mellark returns to **District 12** after the end of the **Second Rebellion**, one of the first things he does is relocate five bushes of primrose from **the woods** and begins to plant them outside of Katniss' house in the **Victors' Village** as a memorial to Prim. It was this action that snapped Katniss out of the lethargy she had been in for months and she began living again.^[5]

Above: The *Hunger Games*' Fandom site discusses the violet/purple primrose flower's connection to the character *Prim*.

12. The Villain Is A Calm, Philosophical Master-planner And Tactician, Who Masterfully Manages Government/Social Affairs.

The Plaintiff's script, Butterfly Driver (Ex A), shows the villain is a calm, philosophical master-planner and tactician, who masterfully manages government affairs, and manipulates human nature. Examples of this can be seen in Butterfly Driver (Ex A), pp 75, 84, 86.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as the villain, Snow, is a calm, philosophical master-planner and tactician, who masterfully manages government affairs, and manipulates human nature.

13. Members Of An Underground "RESISTANCE" (Who Were Inspired By The Hero), Who Support The Hero, And Help The Hero On His/Her Journey.

The Plaintiff's screenplay, Butterfly Driver (Ex A), shows that a group/army of underground "resistance" fighters [called "AIR Resistance" in Uberopolis: City of Light (Ex B), and called "Z.R." ("Zone Resistance") in Butterfly Driver (Ex A)] help the hero on his journey.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as the series shows an underground resistance group/army (made up of the citizens of District 13, referred to as Plutarch's Underground) helps the hero, Katniss, on her journey.

14. SCENES: The Hero's Actions Cause His Supporters To PROTEST AND RIOT. These Riots And Protests Are Depicted In Similar Manner, With People Engaging In Violence, Throwing Items, And Holding Signs Supporting The Hero.

- This, in a sci-fi, action or adventure work, is copyrightable. The Plaintiff's Butterfly Driver/Uber is the first sci-fi script to specify riots, protests, throwing, with protest signs supporting the hero, and **military forces** present—all infringed on by the HG series.

Page 19 of the Plaintiff's Uberopolis: City of Light, shows the oppressed of the "zones" rioting, protesting, throwing bottles at military forces, and holding signs supporting the hero:

The monitor shows a flurry of media attention concerning Arlo Grainer. In the poor sectors of the unified nation, people are shown **rioting** and **throwing rocks and bottles at military forces, waving signs reading "FREE ARLO NOW"**.

Page 24 of Uberopolis: City of Light also shows the poor and oppressed of the zones

protesting in support of Arlo:

A television news reporter stands in front of a court house where Arlo is being charged. Speaking into a microphone, amid hundreds of protesting Arlo Grainer supporters.

Page 24 of Butterfly Driver a State official explains Arlo's arrest has caused riots:

ANEESH

We've had some **riots** in the zones since we arrested Grainer.
We thought having you lead our investigation might calm things down.

The Hunger Games infringes (steals) these riot/protest scenes from the Plaintiff.



ABOVE: In Hunger Games: Catching Fire, Military/Police Forces Respond To The Protestors/Rioters



Above: In Hunger Games: Catching Fire A protester holds up a picture of he Mockingjay



Above: In Hunger Games: Catching Fire, Rioters Throw Objects At The Military/Police.

15. The Villain And His Constituents Worry That The Hero's Actions, And The Protests, Will Lead To War.

On page 24 of the Plaintiff's screenplay Butterfly Driver (Ex A) we see that the government is concerned by the protests and riots related to Arlo Grainer's arrest. And on page 25 (Ex A), we learn the government is concerned that the riots and protests will escalate to war.

ANEESH

Jerry, we're trying to avoid a hot **war** here.
Get on board and I'll buy your kid's filter.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as we see that President Snow is very concerned that the protests and riots in the districts might lead to war. Snow first expresses his concern that Katniss' action may lead to war early in The Hunger Games: Catching Fire, as he tells Katniss:

PRESIDENT SNOW: And if a girl from District 12, of all places, can defy The Capitol and walk away unharmed, what is to prevent them from doing the same? What is to prevent, say, an uprising? That can lead to revolution.

16. Because They Lack Money And Resources, The Underground Resistance Group, That Helps The Hero, Use Less Sophisticated Technology.

Page 63 of the Plaintiff's screenplay, Butterfly Driver (Ex A), shows that the resistance fighter who assist the hero use recycled high tech equipment, in a basement apartment:

The Z.R. Center is little more than a basement apartment full of recycled hi-tech equipment.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as we see the resistance fighters that help Katniss make do with less advanced equipment.

17. The Villain Openly Approves Mass Killings, And Openly Admits It.

The Plaintiff's Butterfly Driver (Ex A) villain, Drexler, freely, even poetically, admits to approving mass murders, *for the good of society*, as we see in Butterfly Driver (p 86), when Drexler participates in an orchestrated TV interview:

HANNA TROWERS (on TV)
But in expelling the religious from The State, how are you less
guilty than they of committing holy war?

DREXLER (on TV)
Ten thousand wars they waged against mankind. I waged one,
to prevent ten thousand more.

Page 93 Butterfly Driver, Drexler admits to other mass murders, for the good of society:

ARLO
I know ... (grimacing in pain) ... you killed ... Tamara Gwynn.
DREXLER
A painful **choice, made for the greater good.**
Arlo brings himself to a seated position.

ARLO
And everyday you dump hundreds of prisoners into space.
(breathing heavily)
Arlo struggles to his knees.

DREXLER
To offset escalating birthrates and overpopulation in the zones.

ARLO
You kill zoners and prisoners for transplant organs.

DREXLER
Shouldn't those who injure society, also heal it? ...

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's
work, as seen in the film HGCF as the villain, Snow, threatens to kill countless thousands of
District 12 dwellers, if Katniss does not comply:

PRESIDENT SNOW: You should imagine thousands upon thousands of your
people dead. This town of yours reduced to ashes. Imagine it gone. Made
radioactive.

And in the film HGMJp1, orders and narrates the public executions of people who "use
symbols for the purpose of sedition." Later in HGMJp1, Snow orders the killings of countless
wounded men, women and children, in a hospital. And in the final final HG film, Snow admits to
killing children.

PRESIDENT SNOW: You really think I gave the order? We both know I'm not
above killing children. But I'm not wasteful. I take life for specific reasons.
And there was no reason for me to destroy a pen full of Capitol children.

18. SCENE: A Tracking Chip Is Inserted Into The Hero's Body (By The Villain's Forces/Minions).

- This May Be An Original Idea. The Plaintiff Is Aware Of No Sci-fi Film, Prior To His Screenplay, In which A Tracking Chip Was Inserted Into The Hero.

On page 26 of the Plaintiff's screenplay Butterfly Driver (Ex A), a State doctor inserts a tracking chip behind Arlo's neck.



Above: A tracking chip is inserted into the “tributes” in The Hunger Games

The Defendants' HG book and film series infringes this aspect of the Plaintiff's work, as we see Katniss and the other Tributes have tracking chips inserted into them.

19. SCENE: The Tracking Chip Is Cut Out Of The Hero's Body, So The Hero Can Evade The State's Tracking/Surveillance System.

On page 33 The Plaintiff's screenplay, Butterfly Driver (Ex A), we see Arlo and David cut the State tracking chips out of their bodies, to evade state tracking.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as near the end of the film HGCF Katniss has her tracking chip cut out.

20. The Hero Feels Tremendous Guilt And Regret For All Of The People Who Were Killed In A Conflict That The Hero Feels He/She Has Caused.

On page 6 of the Plaintiff's screenplay Butterfly Driver (Ex A), the hero reveals the pain, guilt and regret he lives with, having caused a new war, which has claimed many lives:

ARLO (CONT'D)

I wouldn't have declared Stockton a free zone if I knew
how many zone fighters would die... for a mistake.

Benni's eyes grow wet with tears.

BENNI

It's not mistake. My parents died for this.

Arlo's face goes flaccid, horrified that he's hurt Benni.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in the HG film HGCF, in Katniss' distraught reaction when the government kills innocent people in District 11, and as clearly stated when Katniss, says "**I never meant for anyone to get killed.**" This pain, guilt and regret is also expressed later in HGCF when Katniss says: "**I should've just eaten the berries in the arena and died like I was supposed to. Then everything would be back to normal and everyone would be safe.**" Variations of this also occur in the film HGMJp1, and in HGMJp2, such as when Katniss says (again), "**I never meant for this to happen. I failed.**" Katniss then begins to name the people who have died in the cause. All of this is derived from the Plaintiff's work.

21. DIALOGUE & STORY STRUCTURE: The VILLAIN Expressly Uses The Media To "DISTRACT" The Oppressed People In The Zones (Districts) From Their Problems.

The Plaintiff's screenplay Uberopolis: City of Light (Ex B)

PRES. PETER DREXLER

Hopeless! Your whole war is hopeless!

(yelling)

Do you know why?!

(collecting himself)

Because I own the minds of your youth. I've seen to it that they have plenty of cheap headphones, T.V./phones, and plenty of mindless programs and video games to amuse them. All to **distract** them from their own suffering -keeping them too stimulated to worry about injustice. Too stimulated to read -or be inspired to fight. I keep them safe from the knowledge of their own destruction.

The Defendants' HG book and film series flagrantly infringes this aspect of the Plaintiff's work, as seen in the film HGCF as the character Haymitch Abernathy tells Katniss that from now on her life is part of the villainous President Snow's TV media effort to **distract** the masses from

their suffering. Haymitch says:

HAYMITCH: From now on, your job is to be a distraction; so people forget what the real problems are.

22. ORIGINAL STORY APPROACH & STRUCTURE: Imposing And Amplifying Modern Politics & Social Issues Onto A Sci-fi Canvas.

- This is an original idea, first conceived and executed by the Plaintiff (as explained in the introduction of this complaint). This concept revolutionized sci-fi. The degree of thought, creativity and effort required to execute this expression makes this concept copyrightable.

One of the most revolutionary aspects of the Plaintiff's screenplay Butterfly Driver (Ex A), is that, instead of inventing some new (but irrelevant) future issues, the Plaintiff bucked generations of convention and imposed modern political issues (class division, poverty, inhumanity, political corruption...) on a sci-fi canvas, then amplified these issues (made them even worse). (This is explained **in detail in the introduction of this Complaint**).

The Defendants' HG book and film series infringes this aspect of the Plaintiff's work, as it imposes and amplifies modern political issues (class division, poverty, inhumanity, political corruption) on a sci-fi canvas.

23. SCENE & STORY STRUCTURE: The Hero Shows His/Her Humanity By Openly Admitting His/Her Fears. (But The Hero Always Fights Through His/Her Fears, And Acts Heroically.)

- This is an original idea, not done, prior to the Plaintiff, in sci-fi, action or adventure works. (See the **introduction** of this Complaint for clarification of how this is original).

On page 60 to 61 of the Plaintiff's screenplay Butterfly Driver (Ex A), the hero, Arlo, freely expresses and confesses the fears he lives with:

BENNI (CONT'D)

Weird to hear the fearless Arlo Grainer say he's afraid.

ARLO

Fearless? I got fears. They keep me smart ... on my toes.

BENNI

What fears could you have?

ARLO

Fear I won't live to see my kids grow up ...

Fear I'll outlive 'em ...

(MORE)
ARLO (CONT'D)
Or I'll fail 'em ... Like I failed Tamara.
BENNI
You did all you could.
ARLO
Fear of my own mistakes.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as the hero, Katniss, freely admits her fears (although she does so unprovoked, as if desperately trying to mimic the Plaintiff's work). The best example of this is seen in HGCF as when Katniss confesses her fears (seemingly unprovoked) to a male character, Gale (who has amorous feelings for Katniss); Katniss says:

“The only thing that I can think about every day, every waking moment since the Reaping, is how **afraid** I am. There's no room for anything else.”

24. SCENES: The Story Shows That In The Villain's Society, Brutal Military Police Loom Overhead, And Slowly Patrol And Surveil The Poor Zones (Districts).

On page 1 of the Plaintiff's screenplay, Uberpolis: City of Light (Ex B), State military and police hover-trucks looming over the zone is first described:

... On the streets around them futuristic **police and military vehicles hover ominously above the street as they cruise slowly about**, belching ever-more pollution into the air; homeless people burn fires in trash cans and barrels to keep warm; children run in and out of rundown tenement housing; a few teens wearing headphones sniff paint from a plastic bag in the shadows; other shabbily dressed...

And on page 57 (Ex B), the Plaintiff, again, described these military/police vehicles over the zones: **“In the distance army and police vehicles cruise the unsecured zone casually.”**

And on page 53 of the Plaintiff's Butterfly Driver (Ex A), Butterfly Driver we see a State military hover-truck descend and release hungry refugees into Zone 115:

A large, heavily armed, State **Army hover-truck** suddenly descends to the street ahead of them. A gate opens, **releasing dozens of weak and gaunt women and children**. Arlo and Benni watch unflinchingly, familiar with the State's practice of dumping religious prisoners in the zones.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as repeatedly in the HG series, state military police aircraft slowly loom in the air over the districts. About 8 minutes into the first Hunger Games film ("The Hunger Games"), a massive military "hovercraft" slowly and ominously flies over Katniss and Gale. This event is described in the Hunger Games book (page 82 of the paperback), which describes a net being launched from the massive hovercraft, capturing a girl, and a spear being launched out and killing a boy.



Above: A Capitol "Hovercraft" from The Hunger Games film series.

**25. Setting: Ruins & Rubble Of Buildings—Enduring Aftermath Of War.
Post-apocalyptic, Post-Battlefield Use Of Rubble And Ruins.**

- Prior to the Plaintiff's work (late 2003 to 05), Defendant Warner **Brothers** made films for over 80 years, yet WB can show no prior sci-fi films featuring this post-battlefield use of building rubble and ruins.

Pages 45 to 46 of the Plaintiff's screenplay Butterfly Driver (Ex A) describe a ruined, crumbling building(s), at dawn (daylight). The Plaintiff felt that this setting, without bombs and active warfare, would be far more more breathtaking. The Plaintiff's description, on page 45 to 46 of his screenplay (Ex A), reads:

EXT. ZONE 115 - DAWN

Sunlight barely penetrates the drizzling sky as Arlo walks a desolate street of zone 115.

Thunder claps in the distance as he steps off the main road and stumbles over the **ruins** of an old multi-storied building.

Arlo proceeds over the **rubble**, to a surviving portion of the ruined building....

And a few lines later, the Plaintiff described Arlo's entrance into the interior of the ruined building:

INT. RUINED BUILDING - DAWN

Arlo enters the gutted building, confused, as if trying to make sense of the ruins.

The Defendants' HGMJp1 infringes the Plaintiff's setting, as Katniss goes back to see the aftermath of the President Snow's forces bombing of Katniss' District 12.



Above and below: Katniss surveys the building ruins and rubble, in HGMJp1.





Above: Katniss surveys the building ruins and rubble in HGMJp1.

26. SCENE: Hero Falls To To His/Her Knee(s), In The Building Ruins/Rubble.

In *Butterfly Driver*, Arlo falls to his knees then crawls and staggers in the ruins and rubble of a building. The once powerful building, now destroyed, somehow articulates Arlo's vulnerability in that moment. The Plaintiff wrote:

Arlo proceeds over the rubble, to a surviving portion of the ruined building. He suddenly **falls to one knee** and grabs his head, stricken by an "ice-pick" headache. He GROWLS. Eyes rolled back, Arlo rises to his feet, holding his temple, as if defying the pain to stop him. The pain quickly subsides. Arlo **staggers** forward.

The Defendants' *Hunger Games* book and film series infringes this aspect of the Plaintiff's work, as seen in HGMJp1, when, for no reason whatsoever, the filmmakers have Katniss fall to her knees, and crawl in the ruins and rubble of her old district.



Above: Katniss crawls through the rubble of District 12, in HGMJp1.

27. SCENE: Brutal Military Police Round-up Oppressed, “Undesirable” People.

Page 53 of the Plaintiff’s screenplay, *Butterfly Driver* (Ex A), shows the villain’s police forces rounding up undesirable people into State hover-trucks and dumping them in zones. On page 52 (Ex A), Benni describes State police rounding up her father, who was never seen again:

BENNI

My dad's. He was arrested in a police sweep. I'm sure they killed him. Mom was killed when they bombed this building.

The Defendants’ *Hunger Games* book and film series infringes this aspect of the Plaintiff’s work, as seen on page 82 of *The Hunger Games* book, which describes the villain’s military police capturing a girl with a net shot from their flying “hovercraft,” and killing a boy (with a spear attached to a cable), among other such incidents.

28. SCENE: The Police/Military Personnel Are Shown Brutalizing The Oppressed People Of The Zones (Districts).

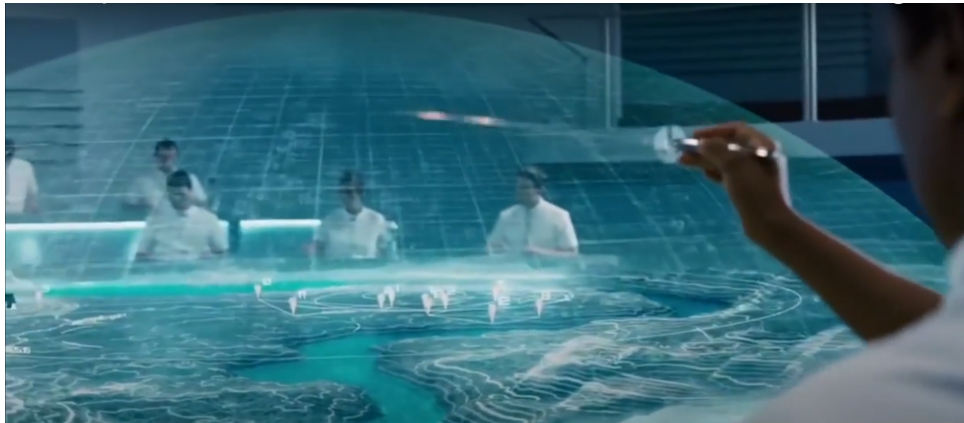
The Plaintiff’s screenplay, *Butterfly Driver* (Ex A), repeatedly shows the villain’s police and military forces brutalizing the oppressed people of the zones. On page 7, a police jet fires on Arlo’s hover-jet, unprovoked. On pages 20 and 21, State police shoot at Arlo, no questions asked. Page 30, a prison guard/police shocks Arlo with a stun gun, handcuffs him, beats him, then puts him on a shuttle train that will kill 50 men. On page 53, police dump hungry men, women and children into an unfamiliar zone. (Additionally, Benni describes police/military brutality, and Tamara is killed by the brutal State police).

The Defendants’ *Hunger Games* series infringe this aspect of the Plaintiff’s work, as the series repeatedly shows the villain’s military/police brutalize district citizens. For example, in *HGMJp1*, police round up district citizens to kill, as Snow explains: “The criminals that kneel before you use symbols for the purpose of sedition. Which is why all images of *The Mockingjay* are now forbidden. Possessing them will be considered treason, and unishable by death.”

29. SETTING: The Story Features A CENTRAL DOME Structure, Where The Majority Of The Story Action Occurs

The Plaintiff's screenplay, *Uberopolis: City of Light* (Ex B), the Plaintiff described his orbiting city, encased in a thick, transparent spherical enclosure; which is divided into a lower half (comprised of an floraspere and an aquaspere), and the upper half—where the massive, beautiful city of Uberopolis is found, over which the transparent enclosure forms a perfect dome; as described on page 25 and 26:

Inside the **dome**, thousands of tiny vehicle drive the streets, dwarfed by the enormity of the city.



Above: In HGCH, one of the villain's *Hunger Games* technicians manipulates an interface model of the Hunger Games arena.

The Defendants' *Hunger Games* book and film series infringes this aspect of the Plaintiff's work, as seen in the HGCF film, where the *Hunger Games* competition to the death occurs in a dome. (Also, in *The Hunger Games* book, "writer," Suzanne Collins, once refers to the *arena* where the *Hunger Games* occurs as a "dome," on page 81.)

30. The Hero Spectacularly Destroys The Central Dome (Or Spherical) Enclosure. After Destroying The Dome (Or Sphere), The Hero Then Appears To Die. But, In The End, We Learn That The The Hero Has Survived.

On page 113 of the Plaintiff's screenplay, *Butterfly Driver* (Ex A), the hero, Arlo, has a dream that informs him of how he can defeat the villain, which requires destroying the orbiting

satellite city of Uberopolis, and on page 114 Arlo (with Jerry's help) executes the destruction of Uberopolis. Immediately after Arlo destroys the dome he appears to die. However, in the next scene we learn that Arlo has survived (Ex A, page 115).

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in the ending of the film HGCF, when Katniss shoots an arrow at the dome enclosure of the Hunger Games, which causes the massive dome to collapse. Katniss appears to die. But we learn in the next scene that she has survived.



Above: A "Hovercraft" descends into the dome Hunger Games arena enclosure, through a hole created in the enclosure created by Katniss' arrow.

31. Poor Characters In The Story Describe How The Oppressive Government's Military/Police Forces Came Into Their Zone/District And Killed And Destroyed.

On pages 46-49 of the Plaintiff's screenplay Butterfly Driver (Ex A), Arlo explains to two resistance fighters (Benni and Louis) that he's looking for the Z.R. (Zone Resistance) center and a character named Tian Shen Wu. But Louis and Benni inform Arlo that the government has destroyed the old Z.R. center and killed Tian Shen Wu. And on page 52, Benni tells Arlo about how the government's police and military arrested her father and killed her mother.

BENNI

My dad's. He was arrested in a police sweep. I'm sure they killed him. Mom was killed when they bombed this building.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in HGMJp1, as the character *Gale* describes how evil government *peacekeepers* came into District 12 and killed over 9000 people, and only 915 people survived:

GALE: ...bombers circled back towards the road. They firebombed them as they ran away. 915 outta 10,000. I should've grabbed people. I should've dragged 'em with me.

32. UNIQUE IMMIGRATION/REFUGEE ISSUE: The Story Shows How War Causes Central Social Structures To Collapse, Causing Western Citizens To Become Immigrants/Refugees.

- This, in a sci-fi setting, is a copyrightable structure. And this an original idea (explained in the introduction of this Complaint), first conceived and executed by the Plaintiff.

The Plaintiff's screenplay, *Butterfly Driver* (Ex A), has a huge immigration theme because of two central story structures:

- a. After bounty hunters almost kill Arlo and his family, Arlo's family is reduced to being refugees, trying to escape the zones, in favor of the State. Thus, Arlo's family, an English speaking Western family, is reduced to refugee/immigrant status.
- b. Arlo becomes the ultimate immigrant, as he, an outsider without citizenship or documentation, must illegally immigrate in the satellite city of Uberopolis, to obtain medicine for his daughter.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in the HG series film HGMJp1, when Katniss finds Effie (from District 12) in District 13, and Effie explains that she's a refugee. That dialogue reads:

KATNISS: Effie? What are you doing here?

EFFIE: I'm a political **refugee**.

33. The Hero And Villain's Climatic Final Confrontation Transpires On Live Television.

In the Plaintiff's screenplay *Butterfly Driver* (Ex A), the hero's and the villain's climatic confrontation occurs on live TV.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as the climatic final confrontation between Katniss and President Snow (and the new second villain, President Coin) also transpires on live TV.

34. "ZONES" vs "DISTRICTS": The Story Shows Poor, Gritty, Tough People Populate The Run-down, Poor, Gritty "Zones" (Or "Districts"), And Live In Substandard Housing.

Page 3, 45, 46, and 53 of the Plaintiff's screenplay Butterfly Driver, Ex A (and pages 1 and 57 of Uberopolis: City of Light, Ex B), describe the tough, gritty streets of the zones, and tough and gritty people who live there, and show that the housing in the zones is substandard.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as throughout the Hunger Games series, the streets and people of the "districts" are depicted as tough and gritty, and the housing is modest and/or substandard.

35. People In The Zones/Districts Are Starving.

On page 35 of the Plaintiff's screenplay, Butterfly Driver (Ex A), Arlo's son (Jon Carl) gives Arlo a small loaf of bread for his trip. And on page 53 (Butterfly Driver script, Ex A), when two young children beg Arlo and Benni for some food. These scenes show how pervasive hunger is in the zones. The pervasive hunger in the zones may be best stated on page 4 of the Plaintiff's script, Uberopolis: City of Light (Ex B), when Rianna addresses her son, Jon Carl:

Rianna holds up her small bag of groceries to her son's face.

RIANNA

You see this bag? Most of these kids haven't seen this much food in a week... they're not the problem... They're symptoms...

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as throughout the Hunger Games series, hunger in the districts is portrayed as pervasive, in such scenes as (1) the recurring scene in which Peeta gave Katniss bread when she was hungry, in the rain, and (2) in the opening minutes of The Hunger Games film, Gale shows Katniss a loaf

of bread, and she is so overwhelmed that she asks if it's real. All of this shows that hunger is pervasive in the districts, and all of this infringes the Plaintiff.

36. Characters Often Refer To Zones (Districts) By Number Alone.

Repeatedly and throughout the Plaintiff's screenplay, *Butterfly Driver* (Ex A), characters often refer to their zone by number alone. Thus, if a character is from Zone 242, they might say, "I'm from 242," omitting the word "zone." Examples of this area found in the Plaintiff's *Butterfly Driver* script (Ex A) on pages 7, 12, 18, 27, 31, 35, 60, 67.

The Defendants' *Hunger Games* book and film series infringes this aspect of the Plaintiff's work, as *The Hunger Games* series characters from the districts often refer to their districts (and other districts) by number alone, omitting the word "district." Thus, a character from District 12 might simply say, "I'm from 12."

37. There Is Fantastic Medicine In The City For The Super Rich; Medicine Which The Poor Do Not Have Access To.

The Plaintiff's screenplay *Butterfly Driver* (Ex A) shows that on the satellite city for the super rich, Uberopolis, there is fantastic medicine and medical technology, such as *Drexlerin 2*, a medicine that permanently cures pollution sensitivity.

The Defendants' *Hunger Games* book and film series infringes this aspect of the Plaintiff's work, as seen in the the film "The Hunger Games," when Peeta sustains a severe leg injury, but it is healed in just a few hours by some advanced medicine that a wealthy "sponsor," from the wealthy Capital City, sends Katniss.

38. DREAMS Are A Recurring Central Aspect Of The Film/Screenplay, And These DREAMS Factor Into The Story's Conclusion.

In the Plaintiff's screenplay, *Butterfly Driver* (Ex A), dreams are a recurring central factor, and in the ending, Arlo has a dream that helps him defeat the villain, and perhaps save the world.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as Katniss is repeatedly shown (or said) to suffer from nightmares (a type of dream). And in the series concluding final minutes, Katniss is seen with her new baby, and she discusses with her baby the fact that she suffers from nightmares.

39. Some Characters Fighting For The Resistance Have Significant Disabilities, From Fighting In The War Against The Evil Government.

The Plaintiff's screenplay Butterfly Driver (Ex A) shows some Z.R. (Zone Resistance) fighters/members have significant disabilities (from their war with the State); such as the character Dylan (p 7, Ex A), who is missing his right arm, and the character Laney (p 34) who has a burn scar on her face.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in the film HGMJp1 when Katniss **meets a character** who is in a wheelchair, paralyzed when Snow bombed District 13.

40. Although The People In The Zones (or Districts) And The People In The Super Wealthy City, Uberopolis (or Capital City), Are Both Human, The Villain Says The People In The Zones (or Districts) Are A Different "Kind" Or "Species."

On page 91 of the Plaintiff's screenplay Uberopolis: City of Light (Ex b), the villain insinuates that the rich and refined people on Uberopolis are a different "kind" than the poor people of the zones, on Earth:

PRES. PETER DREXLER
....For now, Uberopolis is MY nation's paradise.
Our City Of Light. A reminder of what we'll be
when your **kind** is gone and we reclaim our Earth.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in HGCF, when the villain, President Snow, says Katniss and the people of the zones are members of a different species:

PRESIDENT SNOW: If you cannot contain Katniss Everdeen, then I will have to terminate her.

PLUTARCH: I understand that.

PRESIDENT SNOW: And not just her. Her entire species has to be eliminated.

41. DIALOGUE: Characters Talk About “Real” Food; Suggesting That Some Food Types Are So Scarce That Society Has Had To Resort To Unusual Alternatives.

On page 39 of the Plaintiff’s screenplay, Butterfly Driver (Ex A), Jerry and Howard remember the time they ate “**real meat**” hotdogs.

The Defendants’ Hunger Games book and film series infringes this aspect of the Plaintiff’s work, as can be observed at about 07:25 (seven minutes and 25 seconds) into the film “The Hunger Games,” when Gale shows Katniss that he has bread to share with her, and Katniss is so surprised that she asks, “Is it **real**?”

42. SCENES: The Story Contains MULTIPLE SCENES In Which THE HERO Gives, Or Receives, A LOAF OF BREAD, To Articulate Poverty And Hunger.

Page 35 of the Plaintiff’s screenplay, Butterfly Driver (Ex A), shows Arlo’s son, Jon Carl, knows that he may not see his father again, so Jon Carl gives Arlo a small loaf of bread for his trip. On page 53 (*Id*), when two young children beg Arlo for food, he hands them his loaf of bread, and the children collapse on the steps of a building and ravenously devour the bread.

The Defendants’ Hunger Games book and film series infringes this aspect of the Plaintiff’s work, as the Hunger Games series features (1) the recurring scene in which Peeta gave Katniss bread when she was hungry, in the rain, and (2) in the opening minutes of The Hunger Games film, Gale shows Katniss a loaf of bread, and Katniss becomes excited.

43. People In The Poor Districts/Zones Use Both Money And BARTER To Make Transactions.

The Plaintiff’s screenplay Butterfly Driver (Ex A), shows that people in the zones use both money and barter. The zones trade with other zones using barter, but Arlo pays for his family’s

emigration into the State using money.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as people in the district use money (in the film "The Hunger Games," Katniss is prepared to pay money for the central mockingjay pin), and they use barter, as seen about 6 minutes into the film "The Hunger Games" when Katniss says she was going to sell a deer she almost shot to a peacekeeper (military personnel), and about at about 07:30 into "The Hunger Games" film, Gale tells Katniss that he bought bread, which he shares with Katniss, with a *squirrel*.

44. The Hero Sustains A Serious Neck Injury, Which Requires Hospitalization.

On page 110 of the Plaintiff's screenplay Butterfly Driver (Ex A), Arlo is shot in the neck and nearly dies. On page 118 (*Id*) we learn that Arlo has spent a month in the hospital recovering.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen at the very end of HGMJp1, as Peeta tries to strangle Katniss. The neck injury Katniss sustains from the attack is so severe that in the opening of the next and final film, HGMJp2, Katniss is seen recovering in the hospital, with neck bruises, and training to use her voice again.

45. The Poor People In The Zones (Districts) Work In Textile "Sweatshop" Factories, That Make Products For The Rich Of The Villain's Elite Society.

The Plaintiff's screenplay Butterfly Driver (Ex A) shows that some of the poor, in some of the zones, work in textile sweatshops, making clothes for the rich people who live in "the State." On page 47 Of the Plaintiff's script (Ex A) a character named Louis explains this to Arlo:

LOUIS

Watching the sweatshop.

The teen points out the window to a large warehouse with lots of downtrodden employees arriving.

ARLO

For what?

LOUIS

A State company makes fancy clothes in there.
They brought a lot of jobs to this zone. We protect
the workers from the thugs, and the workers
sometimes buy us food.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in HGCF, where workers are shown working in textile (clothing) sweatshops. The Catching Fire book explains that District 8's main industry is textile manufacturing' making peacekeeper uniforms.

46. The Evil President (Villain) Takes Great Effort To Try To Kill The Hero, But Fails. However, When The Hero Has A Chance To Kill The President, He/She Does Not.

After a tremendous battle, on page 109 of the Plaintiff's Butterfly Driver (Ex A), although Drexler has repeatedly tried to kill Arlo, Arlo shows Drexler mercy, and does not kill him.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in HGMJp2, in the final confrontation between Katniss and the villain, President Snow, although Snow has repeatedly tried to kill Katniss, when Katniss has the chance to kill Snow, she does not.

47. The Villain OPENLY & PUBLICLY Admits To And Proposes Unconscionable And Horrific Actions. The Villain Succeeds With These Open Admissions And Proposals By Juxtaposing His Horrible Ideas/Actions Alongside Seemingly Good, Reasonable, Even Lyrical, Social Objectives. (The Juxtaposition Of Good And Bad Is Done To Cause The Readers/Viewers To Feel Conflicted About Their Own Feeling (And Cause Them To Both Hate And Love The Villain)).

- This Is An Original And Copyrightable Expression/Concept.

The Plaintiff's Butterfly Driver (Ex A), repeatedly shows the villain, Drexler, propose or admit to horrible actions, by presenting the horrible ideas adjacent to seemingly well-reasoned, often lyrical, social goals. The Plaintiff created this approach to cause the readers/viewers to feel conflicted, as they agreed with the goal, but abhorred the methods. This approach can be seen on

page 84 of Butterfly Driver (Ex A), as Drexler admits to facilitating Middle-East genocide and advocates sterilization and voter competency testing of the poor; but this approach is most succinctly observed on page 86 (*Id*), as Drexler is interviewed by Hanna Trower:

HANNA TROWERS (on TV)
But in expelling the religious from The State, how are you
less guilty than they of committing holy war?

DREXLER (on TV)
Ten thousand wars they waged against mankind.
I waged one, to prevent ten thousand more.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as the villain President Snow advances his horrific goals by placing them adjacent to seemingly well-reasoned social goals. This is seen in the beginning of HGMJp1, when Snow publicly presents an almost lyrical vision of national unity ("**Panem has had an unprecedented era of peace. It is a peace built upon cooperation, and a respect for law and order.**"; "Each district supplies the Capitol. Like blood to a heart. In return, the Capitol provides order and security."), immediately after these words, Snow orders the killings of district citizens. This is also seen in HGMJp2, when Snow leads a group of statesmen in a toast to the death of minister Antonius, but Snow calls this *death toast* a toast to "**a glorious era, coming to a bitter end.**"

48. In The End, The Hero's Actions Lead To An Election, To Replace The Dead President.

On page 117 (the second to last page) of the Plaintiff's screenplay, Butterfly Driver (Ex A), after Arlo effectively saves the world, Rianna appeals to Arlo to remain in the State, explaining that "We're having an election soon. Things are changing."

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as at the end of the final Hunger Games film, HGMJp2, Plutarch informs Katniss: "Tonight, the 12 District leaders will call for a free election."

49. A Terrible War Occurred Before The Story Begins, Causing The Fall Of The USA, Resulting In The New Governmental System At Play In The Screenplay/Film.

The Defendants' Hunger Games book and film series infringes this aspect (see heading) of the Plaintiff's work. The Defendants may argue that "The Hunger Games" also indicated that other events also contributed to their "fall of America" scenario, such as droughts and storm; however droughts and storms, etc., do not cause nations like the US to collapse. Wars do. In fact, the Court might acknowledge that events like fires, storms and droughts cause societies to rely on each other, more so than in normal conditions.

50. DIALOGUE: The Story Features Multiple Central Discussions About "Sacrifice" (To Add Meaning And Emotion To All Of The Deaths The Hero Witnesses).

The Plaintiff's screenplay Butterfly Driver, features **multiple** central discussions about "sacrifice," included to add meaning and emotion to the deaths the hero witnessed, among other reasons. Two of the Plaintiff's script's central dialogues about "sacrifice" occurs when the hero and the villain face-off, in the climax. (See pp 93 and 96, Ex A.) Another dialogues about *sacrifice* occurs on pages 15 to 16 (Ex A), as Tamara explains her *A-cell* to Arlo:

ARLO
A-Cell?
TAMARA
Antimatter cell ... Traditional fuel pollution kills 130 million
People every year. The State calls that an acceptable environmental
sacrifice. My father believed every problem has an absolute
solution -without **sacrifice**.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as the villain, the hero and other characters speak of *sacrifice*. In fact, in each of the four Hunger Games films, a central character mentions sacrifice. Katniss mentions "sacrifice in the second film, HGCF; but most memorably, and most curiously, the first line that the villain, President Snow, speaks in "The Hunger Games" mentions sacrifice:

SNOW: Welcome. Welcome, Tributes. We welcome you. We salute the courage and your sacrifice. And we wish you happy Hunger Games.

51. The Story Features Multiple Dialogues About Hope (To Reinforce The Fact That The Hero Represents Hope).

Butterfly Driver features numerous discussions about hope. This was done to reinforce the fact that Arlo represents hope. These dialogues about hope can be found in Butterfly Driver (Ex A) pages 14, 15, 17, 63, 64, etc. (Also, see item #3, herein.)

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as the Hunger Games series feature numerous dialogues about hope (see item #3, to see some of these dialogue examples).

52. DIALOGUE: Influential People Express "Honor" To Meet The Common Hero.

On page 14 of the Plaintiff's screenplay, Butterfly Driver (Ex A), when the renown scientist, Tamara Gwynn, meets the hero, Arlo, she considered the meeting an "honor", stating: "Honored to meet the legend." On the surface, this is peculiar, because Arlo is quite poor, living in a zone ghetto; meanwhile, Tamara was very wealthy and successful (although living in exile). [In Uberopolis: City of Light, Ex B, p 64, when the *Tall Man* (who runs the 115 AIR Resistance Center) meets Arlo he says his father would be honored by Arlo's presence there.]

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in the films HGMJp1 (when President Snow calls it an honor to meet the hero, Katniss), and in HGMJp2 (when President Snow calls it an honor that Katniss would visit him).

53. SCENE: The Villain (Who Is The President Of The Nation) Addresses The Country, On National TV, And Discusses National Prosperity.

Page 3 and 4 of the Plaintiff's screenplay, Butterfly Driver (Ex A), the villain, President Drexler, addresses the nation on TV and mentions national prosperity:

DREXLER (on TV)

Hi, I'm President Peter Drexler, and owner of Uberopolis. We have a lot
(MORE)
DREXLER (on TV)
(CONT'D)
to celebrate in the Global State. 100 percent employment, almost no crime...

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as the villain, President Snow, addresses the nation (Panem) on TV, and discusses national prosperity, saying:

PRESIDENT SNOW: Citizens, tonight I address all of Panem as one. Since the Dark Days, Panem has had an unprecedented era of peace. It is a peace built upon cooperation, and a respect for law and order.

54. UNIQUE TERMINOLOGY: "Security Clearances" vs "Security Clearance." "Entering State Airway" vs "Inside Capital Airspace"; ; "EVAC" vs "EVAC".

In the Plaintiff's screenplay, Butterfly Driver (Ex A), the Plaintiff uses terminology such as "entering State airway" (p 19, Arlo tells Tamara: "**We're about to enter State's airways**"; page 43 of Uberopolis: City of Light, David discusses state "**airspace**"), and on page 59 (*Id*) Aneesh tells Jerry that he has all of his "**weapons and travel clearances**," but on page 70 (*Id*, Uberopolis: City of Light) as Jerry passes through shuttle-port security, the Plaintiff refers to these clearances as "**security clearances**.". On page 114 of Butterfly Driver (and on page 44 and 110 of Uberopolis: City of Light, Ex B) the Plaintiff uses the term "**Evac-shuttle**" (and/or "**EVAC-shuttle**").

The Defendants' Hunger Games book and film series infringes the Plaintiff's special terminology, as seen in HGMJp1 a character says "**We're inside Capital airspace**," and in HGMJp2 characters repeatedly discuss "**security clearance**," and in HGMJp1 and HGMJp2 characters repeatedly use the term "Evac."

55. A Central Heroic Character Shares Her/His Future Dreams (Involving Children) With The Hero.

The Plaintiff's screenplay *Butterfly Driver* (Ex A), Benni (who is romantically interested in Arlo) shares with Arlo her dream of being a children's therapist.

The Defendants' *Hunger Games* book and film series infringes this aspect of the Plaintiff's work, as about 07:00 minutes into the film "The Hunger Games," the hero (Katniss) and Gale (a secondary heroic male character) share their dreams and thoughts about living somewhere else and having kids. (At the time, Katniss and Gale have romantic aspirations.)

56. A Central Story Structure Is The Idea That A War Is Not Over If One Soldier Continues To Fight. (Never Giving Up)

On page 14 of the Plaintiff's screenplay *Butterfly Driver* (Ex A), Tamara tells Arlo:

TAMARA

That's too bad. My father taught me, "A war isn't over if one soldier's still fighting." I always thought of you when he said it.

Although Arlo says he is no longer fighting that war, he is so moved by the inspirational fighters he meets (who were first inspired by Arlo, years earlier), that he resolves to be the last soldier fighting; we know this because on *Butterfly Driver*'s last page (p 118, Ex A), when Arlo resolves to return to Zone 242, and fight, Rianna says:

RIANNA (CONT'D)

... Don't you get it? The war's over! You're the only one left fighting... and for what?

Arlo's eyes survey his surroundings, hesitating to answer.

ARLO

Something better.

All of this announces Arlo's resolve to "never give up." This "never give up" theme was also present in the earlier version (Jan 2006) of *Uberopolis: City of Light* (Ex B), as seen on page 91, when the villain Drexler asks Arlo:

PRES. PETER DREXLER

So, did the **last American soldier** fought his way here to topple the establishment by killing its leader? [sic]

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in HGMJp1 when we learn that District 13 has quietly been at war with the Capital for many years, and Colonel Boggs explains: "The war never stopped for us." After Boggs makes this statement, early in HGMJp1, "never give up" becomes a mantra, or sorts. Thus, in HGMJp1, President Coin says: "Let today be the day we promise never to give up, never to give in, until we have made a new Panem."

57. Although The Villain Is Very Willing To Kill People Who Live In The Zones, The Villain Seeks To Avoid A "Hot" (Active, Full Scale) War.

Page 25 of the Plaintiff's screenplay, Butterfly Driver (Ex A), we learn, via the character Aneesh (who works for President Drexler), that Drexler wants to avoid a "hot" war.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as the villain, President Snow, freely kills the poor in the districts, but he does not want war. We learn that he does not want war, early in HGMJp1, when Snow and Katniss have the following exchange:

PRESIDENT SNOW: Would you like to be in a real war?

KATNISS: No.

PRESIDENT SNOW: Good. Neither would I.

58. To Emphasize That Fantastic New Medical Technologies Exist, Younger Characters Casually Discuss Getting New LUNGS.

On page 18 of Plaintiff's screenplay Uberopolis: City of Light (Ex B), primary characters discuss getting preventative lung transplants:

HOWARD MANN

My landlord got a preventative lung transplant on Sky Town
and now she feels even better. Maybe Jake needs a **lung...**

JERRY MATTHIESSEN

The rich running to Uberopolis to avoid our preventative laws,
has driven organ prices so high insurers won't cover transplants.

And on page 36 of the Plaintiff's Butterfly Driver (Ex A), Howard recommends Jerry get his son a cloned lung: "Maybe he needs a cloned **lung**?"

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in HGMJp2, when Katniss says she has a bruised lung, and a character responds by suggesting that Katniss get a new lung: "I'm surprised they haven't found you a new **lung**. I mean, I've got two. Do you want one of mine?"

59. Near The End Of The Story, A Central Heroic Character Remembers Seeing Another Central Heroic Character IN THE RAIN.

Page 54 of the Plaintiff's script, Butterfly Driver (Ex A), in the rain, a character finds a violet and comments on how the violet is even prettier in the rain (juxtaposing rain and beauty):

SMALL ABANDONED PARK

Benni walks Arlo to the back gate of the small park. Near a rusting fence she picks up an upside-down paper cup. Under the cup, poking through a dirt patch, is a **VIOLET** flower.

ARLO

Incredible.

BENNI

I think it's a violet. We never get flowers here...

It's even prettier in the rain...

Arlo admires how Benni's beauty also holds up in the **rain**.

Then, in the screenplay's ending, page 118 (Ex A), the Plaintiff harkens back to this image, by drawing on the same colors and a similar line of dialogue, juxtaposing "rain" and "beauty":

Rianna purses her lips in frustration. The **rain** smears her **VIOLET** eye shadow, obscuring her tears.

ARLO

You're still beautiful in the rain.

Rianna surrenders a momentary smile.

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as seen in the final moments of the final film, HGMJp2, Peeta remembers seeing Katniss in the rain (giving her bread, in the beginning of the first film):

PEETA: I remembered something. About the bread. I remember... you in the rain.



Above: A recurring image of Katniss in the rain, from the Hunger Games film series.

60. A Central Character Describes The Hero As A “Myth” Or As “Mythic.”

On page 48 of the Plaintiff’s screenplay, Butterfly Driver (Ex A), Benni (a central heroic character) explains to her younger brother, Louis, that Arlo is a “myth”:

BENNI

Arlo Grainer is like a **myth**. Don't you remember in school...

The Defendants’ Hunger Games book and film series infringes this aspect of the Plaintiff’s work, as seen in the final Hunger Games film, HGMJp2, when President Coin describes Katniss as “mythic,” saying: “**She’s mythic.**”

61. Near The End Of The Story, In The Climax, The Hero Appears To Die, But Comes Back To Life To Defeat The Villain.

On page 112 of the Plaintiff’s Butterfly Driver (Ex A), Arlo appears to die; but a few moments later (page 113), Arlo seemingly comes back to life, and defeats the villain (with Jerry’s help).

The Defendants’ Hunger Games book and film series infringes this aspect of the Plaintiff’s work, as seen in the final film, HGMJp2, when it appears as if Katniss may have died (from a bomb blast), but Katniss awakes, some time later, in a hospital, and returns to the battlefield, and

defeats the villain(s).

62. The Defendants' Films/Books Infringe The Plaintiff's Unique And Large Collection Of Themes.

The Defendants' Hunger Games book and film series infringes the Plaintiff's collection of themes. Among the Plaintiff's infringed themes are: classism, inequality, inhumanity, corruption, family above all, hope, heroism, perseverance, media manipulation, propaganda, disinformation, plight of refugees/immigration, sacrifice.

63. The Hero Is POOR.

In the Plaintiff's screenplay, Butterfly Driver (Ex A), the hero is definitively poor.³

The Defendants' Hunger Games book and film series infringes this aspect of the Plaintiff's work, as the hero, Katniss is also definitively poor.

64. The Dialogue Reveals How The Villain Sat Back And Allowed His/Her Adversaries To Kill Themselves.

In Butterfly Driver (Ex A), on page 84, the villain Drexler explains how he defeated the Middle East by allowing the factions to exterminate each other:

DREXLER ...
Brilliant, really. We conquered the Middle East by allowing
their factions to exterminate each other.

The Defendants' Hunger Games book and film series infringes this from the Plaintiff, as seen in the closing minutes of the final Hunger Games film, HGMJp2, as the villain, President Snow, explains how the other villain, President Coin, defeated her adversaries by letting them kill each other off:

PRESIDENT SNOW: My failure was in being so slow to grasp Coin's plan.

³ Prior to the plaintiff's work, Western (particularly White) sci-fi, action and adventure heroes were never (or extremely rarely) depicted as **poor** (because being poor is stigmatized and suggests that the hero is not sufficiently resourceful). The Plaintiff purposely upended this convention. After the plaintiff's script, Hollywood suddenly became addicted to depicting White sci-fi heroes as poor, oppressed victims.

She let The Capitol and the districts destroy one another, then she stepped in to take power, with 13's arsenal.

65. HERO

The Defendants' Hunger Games book and film series infringes at least 20 aspects of the Plaintiff's hero, Arlo Grainer. These 20 aspects are identified in this "The Hunger Games" infringement section and they are numerated and described under item numbers **1**.

66. VILLAIN

The Defendants' Hunger Games book and film series infringes at least 9 aspects of the Plaintiff's villain, Peter Drexler. These 9 aspects are enumerated, identified and described under item numbers **4** in this "The Hunger Games" infringement section.

67. PLOT

These infringement claims demonstrate that the Defendants' Hunger Games book and film series infringes over 60 plot structures from the Plaintiff's screenplay, Butterfly Driver, and/or the prior script version(s) titled Uberopolis: City of Light. (See prior headings and descriptions.)

68. Other Story Aspects

According to Wikipedia articles about The Hunger Games series, The Hunger Games series falls within the genres of **science fiction, action, adventure, dystopian, and drama**. All of these genre also apply to the Plaintiff's work, and thus, expand a pattern of infringement.

The **mood** of the two works is similar: dark, serious; expanding a pattern of infringement.

There are similarities in **setting, pace scene, dialogue, and style**, between the Plaintiff's script and the Defendants' Hunger Games books and films; expanding a pattern of infringement.

Unique Evidence of Infringement

69. Crude Attempts To Appear Dissimilar: "Hover-truck" vs. "Hovercraft."

The writing of The Hunger Games series books and films is attributed to Suzanne Collins.

By nature and necessity writers are curious about words, their meanings and origins. However, against any evidence of a writer's nature, Suzanne Collins named the **giant hovering military/police vehicle** that patrol the districts "hovercrafts". The term "hovercraft" is used repeatedly in both the Hunger Games book and film series (one such use of the term "hovercraft" can be seen on page 82 of "The Hunger Games" book, US paperback edition, as Katniss says, "The **hovercraft** appeared out of nowhere"). However, "hovercraft" is a word that specifically refers to a type of amphibious, air-cushioned vehicle that travels only a few inches to a few feet above the ground or the surface of water. Hovercraft(s) actually touch the water or ground surface with their "skirt," which goes around the perimeter of the hovercraft, to contain and maintain air pressure. "Hovercraft" is a generic term for this specific type of **non-flying** craft (the term was trademarked for some time by Saunders-Roe). All of this is an incorrigible problem, because the Defendants' (and Collins') hovercrafts are high **flying** and high hovering vehicles (similar in function to modern helicopters, or Harrier airplane). This functionality is not in the family or nature of hovercrafts. A true and competent writer would have known this or learned this. Thus, 16 years ago, the Plaintiff named his large hovering and flying vehicles "hover-trucks" and "hover-jets." The Plaintiff believes that the Hunger Games writer(s) and editor(s) chose "hovercraft" because it was similar to the Plaintiff's work (and they insisted on staying similar to the Plaintiff's work) but they lacked the creativity to come up with an alternative original name (like hovertrain, hoverfreight, hoverbus). This was an obvious and crude effort to appear dissimilar to the Plaintiff's work. The "Striking similarity" section of Wikipedia's entry for "Substantial Similarity" (see Wikipedia insert, next page), explains that "obvious or crude attempts to give the appearance of dissimilarity" is evidence of "**striking similarity.**" (See item #5, insert, next page.) Striking similarity is the highest level of

infringement, where infringement could only have occurred from copying.

Striking similarity [\[edit \]](#)

Direct evidence of actual copying by a defendant rarely exists, so plaintiffs must often resort to indirectly proving copying.^[1] ^[page needed] Typically, this is done by first showing that the defendant had access to the plaintiff's work and that the degree of similarity between the two works is so striking or substantial that the similarity could only have been caused by copying, and not, for example, through "coincidence, independent creation, or a prior common source".^[7] Some courts also use "probative similarity" to describe this standard. This inquiry is a question of fact determined by a jury.

Courts have relied on several factors to aid in a striking similarity analysis. Among these are:

1. Uniqueness, intricacy, or complexity of the similar sections.
2. If the plaintiff's work contains an unexpected or idiosyncratic element that is repeated in the alleged infringing work.
3. The appearance of the same errors or mistakes in both works.
4. **Fictitious entries** placed by the plaintiff that appear in the defendant's work. For example, fake names or places are often inserted in factual works like maps or directories to serve as proof of copying in a later infringement case since their appearance in a defendant's work cannot be explained away by innocent causes.
5. Obvious or crude attempts to give the appearance of dissimilarity.^[1]^[page needed]

Generally, copying cannot be proven without some evidence of access; however, in the seminal case on striking similarity:

Above: "Striking similarity" section of Wikipedia's "Striking Similarity entry.

70. The Appearance Of The Same Errors Or Mistakes In Both Works.

Under the preceding heading, the Plaintiff showed that the Defendants improperly used the term "hovercraft" (and he rightly observed that any true writer and/or editor would have caught this mistake). The likely reason that the Defendants (and their editors) assumed this error was correct is because the Plaintiff made this same mistake in the earlier version of his script, Uberopolis: City of Light (Ex B, January 2006), But the Plaintiff had caught the mistake by the time he executed the "Butterfly Driver" version of his screenplay, fall 2006 (the version attached as Ex A is from mid 2007), and changed the improper term, "hover-craft," to "hover-truck."

As the Court can see, on page 16 of his "Uberopolis" script, Ex B, the Plaintiff repeatedly referred to his flying military vehicle as a "hover-craft":

AS JOHN CARL'S NARRATION FINISHES ARLO IS SEEN IN A BARREN PARKING LOT, AS MEDIA CAMERA-**HOVER-CRAFTS** ARRIVE, SHINING BRIGHT SPOTLIGHTS DOWN ON HIM. MOMENTS LATER TENS OF MILITARY **HOVER-CRAFTS** ARRIVE, WITH SOLDIERS TRAINING THEIR WEAPONS ON THE UNARMED ARLO GRAINER FROM THE DECKS OF THEIR MASSIVE **HOVER-CRAFTS**. ARLO FALLS TO HIS KNEES AND PUTS HIS HANDS BEHIND HIS HEAD, SQUINTING

TO PROTECT HIS EYES, AS THE WIND FROM THE **HOVER-CRAFTS**
BLOWS DUST AND DIRT EVERYWHERE.

A few lines lower (p 16, Ex B), the Plaintiff again used the improper “hover-craft” term:

EXT. PARKING LOT -- MOMENTS LATER -NIGHT
Arlo is seen being handcuffed and escorted into one of the police/army
hover-crafts.

As the Court can see, the Plaintiff’s 2006 mistake is present in the Defendants’ Hunger Games books and films. Item #3 of the previous Wikipedia insert explains in item #3 that the presence of the “**the appearance of the same errors or mistakes in both works**” is evidence of Striking Similarity, which, again, is the highest level of infringement, where infringement could only have occurred from copying (not coincidence, independent creation, etc.).